

Mayor Slater held a moment of silence for the victims and families affected by the tragedy in Newtown, CT. The Pledge of Allegiance to the Flag was given.

## **A. CALL TO ORDER:**

A Regular Meeting of the Troy City Council was held on Monday, December 17, 2012, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 7:32 PM.

## **B. ROLL CALL:**

Mayor Dane Slater  
 Jim Campbell  
 Mayor Pro Tem Wade Fleming  
 Dave Henderson  
 Maureen McGinnis  
 Doug Tietz

## **C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:**

**C-1** City of Troy Employees' Casual for a Cause Program for the Months of September and October 2012 Presented to Troy People Concerned

**C-2** Troy Garden Club and Telly's Greenhouse for Beautification at the Troy Public Library and Troy Historical Village

**C-3** Troy Public Library 2013-2015 Strategic Plan/Presentation

## **D. CARRYOVER ITEMS:**

**D-1** No Carryover Items

## **E. PUBLIC HEARINGS:**

**E-1** No Public Hearings

## **F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA:**

Ross, Michael	O-7 – Spoke about the lawsuit results and requests contracting legal services.
Kajma, Linda	I-04 – Spoke about conflict of interest with the Council Member Appointment.
Kulesz, John	I-04 – Spoke about conflict of interest with the Council Member Appointment.
Schepke, Gordon	O-7 – Spoke about lack of confidence in City Attorney/City staff and requests cost for holding a Special election.

**G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:**

**H. POSTPONED ITEMS:**

**H-1** No Postponed Items

**I. REGULAR BUSINESS:**

**I-1** Board and Committee Appointments: a) Mayoral Appointments – Downtown Development Authority; b) City Council Appointments – None

**a) Mayoral Appointments – Downtown Development Authority**

City Council took **NO ACTION** on this Item.

**b) City Council Appointments - None**

**I-2** Board and Committee Nominations: a) Mayoral Nominations – Planning Commission; b) City Council Nominations – Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan & Trust

**a) Mayoral Nominations:**

Resolution #2012-12-217

Moved by Slater

Seconded by Fleming

RESOLVED, That the Mayor of the City of Troy hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

**Planning Commission**

Appointed by Mayor

9 Regular Members

3 Year Term

**Nominations to the Planning Commission:**

**Term Expires: 12/31/2015**

**Michael Hutson**

Term currently held by: **Michael Hutson**

**Term Expires: 12/31/2015**

**Philip Sanzica**

Term currently held by: **Philip Sanzica**

**Term Expires: 12/31/2015**

**John Tagle**

Term currently held by: **John Tagle**

Yes: All-6  
No: None

**MOTION CARRIED****b) City Council Nominations**

Resolution #2012-12-218  
Moved by Fleming  
Seconded by Henderson

RESOLVED, That Troy City Council hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

**Employee Retirement System Board of Trustees / Retiree Health Care Benefits Plan & Trust**

Appointed by Council  
7 Regular Members and 2 Ordinance Members  
3 Year Term

**Nominations to the Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan & Trust:**

**Term Expires: 12/31/2015**

**Mark Calice**

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**Term currently held by: Mark Calice**

Yes: All-6  
No: None

**MOTION CARRIED**

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**I-3 Closed Session Requested**

Resolution 2012-12-219  
Moved by McGinnis  
Seconded by Campbell

BE IT RESOLVED, That the Troy City Council **SHALL MEET** in a Closed Session as permitted by MCL 15.268(e) – *Secretary of State Ruth Johnson v. Aileen Bittner et. al.*

Yes: All-6  
No: None

**MOTION CARRIED**

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**I-4 Appointment of City Council Member**

**a) City Council Interviews of Candidates**

- Richard Beaubien
- Bert Copple
- Carmen Johnson
- Kessie Kaltsounis
- Edward Pennington

The Meeting **RECESSED** at 9:28 PM.

The Meeting **RECONVENED** at 9:40 PM.

**b) Appointment of City Council Member**

Resolution #2012-12-220

Moved by Fleming

Seconded by Henderson

RESOLVED, That Troy City Council hereby **APPOINTS** Edward Pennington for the vacant City Council Member position with the term expiring November 11, 2013.

Yes: All-6

No: None

**MOTION CARRIED**

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**I-5 Oakland County Bid – Installment Purchase of Golf Cars**

Resolution #2012-12-221

Moved by McGinnis

Seconded by Campbell

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase (150) Model 2013 Precedent 12 Electric IQ Club Golf Cars and two gas Turf I vehicles less (149) trade-ins under a lease-to-own agreement from Midwest Golf & Turf, Novi, MI, third party lending source, with pricing in accordance with the Oakland County bid at an estimated total cost of \$538,260.00 under a 55-month lease term payable May-October 2013-2017 at an estimated \$17,942/month with a \$1/car purchase price at lease end.

BE IT FURTHER RESOLVED, That the agreement is **CONTINGENT** upon execution of all contract documents once in acceptable form.

Yes: All-6

No: None

**MOTION CARRIED**

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**J. CONSENT AGENDA:**

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**J-1a Approval of "J" Items NOT Removed for Discussion**

Resolution #2012-12-222  
Moved by McGinnis  
Seconded by Campbell

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented.

Yes: All-6  
No: None

**MOTION CARRIED**

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**J-1b Address of "J" Items Removed for Discussion by City Council**

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**J-2 Approval of City Council Minutes**

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Resolution #2012-12-222-J-2

RESOLVED, That Troy City Council hereby **APPROVES** the following Minutes as submitted:

- a) Regular City Council Meeting – December 3, 2012

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**J-3 No Proposed City of Troy Proclamations:**

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**J-4 Standard Purchasing Resolutions:**

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- a) **Standard Purchasing Resolution 1: Award to Low Bidder – Bus Transportation Services - Recreation**

Resolution #2012-12-222-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide three (3) year requirements of complete bus transportation services for the City of Troy Recreation Department Summer and Winter Programs with an option to renew for two additional years to the low total bidder, First Student, of Naperville, IL, for an estimated annual cost of \$21,800.00, at unit prices contained in the bid tabulation opened November 28, 2012, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with 2% annual rate increases allowed to cover expenses and the contract will expire December 31, 2015.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor's submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

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**J-5 Request for Acceptance of Warranty Deed, Quit Claim Deed and Permanent Easements for Tuscany Estates Site Condominium – Sidwell #88-20-24-226-109 & 111**

Resolution #2012-12-222-J-5

RESOLVED, That City Council hereby **ACCEPTS** a warranty deed for right-of-way and seven permanent easements for rear yard drainage, public utilities, clear vision and non-access landscape, non-access greenbelt and landscape, sanitary sewer, storm sewer and surface drainage, and grading from Heatherwood Homes, Inc., owner of the properties having Sidwell #88-20-24-226-109 & 111; and

BE IT FURTHER RESOLVED, That City Council hereby **ACCEPTS** a quit claim deed for right-of-way and seven permanent easements for rear yard drainage, public utilities, clear vision and non-access landscape, non-access greenbelt and landscape, sanitary sewer, storm sewer and surface drainage, and grading from Mondrian Properties Tuscany Estates, LLC, equity interest holders; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED** to record the warranty deed, quit claim deed and easements with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**J-6 Request to Abandon an Existing Detention Basin and Accept a Warranty Deed and Quit Claim Deed for Tuscany Estates Site Condominiums – Sidwell #88-20-24-226-110**

Resolution #2012-12-222-J-6

WHEREAS, The City of Troy has received a request from the developers of Tuscany Estates Site Condominiums to redesign and reconfigure an existing detention basin identified with Sidwell #88-20-24-226-110, that will serve both Beaver Creek Subdivision and the new site condominiums; and

WHEREAS, The detention basin was previously granted to the City of Troy by Heatherwood Homes, Inc., as recorded in Liber 35251 Page 679;

THEREFORE, BE IT RESOLVED, That City Council **AUTHORIZES** the Mayor and City Clerk to **EXECUTE** a Quit Claim deed conveying the interest in the detention basin parcel having Sidwell #88-20-24-226-110 back to Heatherwood Homes, Inc.

BE IT FURTHER RESOLVED, That City Council **ACCEPTS** a Warranty Deed from Heatherwood Homes, Inc. for the new detention basin and a Quit Claim Deed from Mondrian Properties Tuscany Estates, LLC, as the developer and land contract vendee in the properties to be developed as the new Tuscany Estates Site Condominiums proper; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED** to record the documents with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**J-7 Sole Source – Purchase Freeance Mobile Application (app) Software**

Resolution #2012-12-222-J-7

WHEREAS, In 2010 the City implemented Azteca Cityworks Asset Management and Customer Service Request software to better manage and update City infrastructure assets and process services requests from residents and businesses; and

WHEREAS, To further streamline Cityworks processes, it would be beneficial for field staff to create and receive work orders and service requests while in the field; and

WHEREAS, TDC Group, Inc. of Dayton, Ohio, has partnered with Azteca to develop a Cityworks specific Smartphone application for use in the field; and

WHEREAS, The deployment of Smartphone technology in December 2011 to field staff has not only reduced hardware costs, but enhanced efficiencies by utilizing the features and applications (apps) on these devices, and now could be used to access work orders and service requests that reside in Cityworks while in the field;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** and **AUTHORIZES** the installation and purchase of Freeance Mobile Application software, Forms Pro and ongoing annual maintenance from the sole source provider of the proprietary software, TDC, Group, Inc. of Dayton, Ohio, as detailed in Attachment A, Costs; a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with annual adjustments allowed for ongoing maintenance in accordance with the Consumer Price Index (CPI) for the Detroit / Ann Arbor Area.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the purchase of additional user licenses estimated at \$500.00 each, plus annual maintenance costs subject to change each year, in accordance with the CPI for the Detroit / Ann Arbor Area.

BE IT FINALLY RESOLVED, The contract is **CONTINGENT** upon the contractor's submission of properly executed contract documents including all insurance certificates.

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**J-8 Scheduled Contract Reopener with Detroit Water and Sewerage Department (Year 5)**

Resolution #2012-12-222-J-8

WHEREAS, In 2008 the City of Troy and the Detroit Water and Sewerage Department (DWSD) entered into a 30 year contract to provide water to the City of Troy which included a contract reopener in the 5<sup>th</sup> year to adjust factors used to develop annual water rates and allow opportunity for minor clarifications of contract language; and

WHEREAS, These adjustment factors include pressures, peak hour, max day and annual volumes in which the City of Troy has been able to control successfully through shifting peak hour usage into the exclusionary period of 11PM to 5 AM; and

WHEREAS, The City of Troy continues to educate and invest in community capital improvement projects as required in this contract;

NOW, THEREFORE, BE IT RESOLVED, That the attached amendment to the 30 year contract to provide wholesale water between the City of Troy and the Detroit Water and Sewerage Department is hereby **APPROVED**, as recommended by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

## **K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

**K-1 Announcement of Public Hearings: None Submitted**

**K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted**

## **L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:**

Anesi, Jen	Announced that she is leaving Patch and thanked City Council and City staff for being open and forthcoming with information and thanked readers for their support.
Cherasaro, Nicholas	Spoke about the results of the Special Elections Lawsuits, lack of confidence in the City Attorney and the recall group.
Kajma, Linda	Spoke in support City staff and City Charter and about the City Council Member candidates.
Brady, Pam	Spoke about recycling programs and sustainability of natural resources.
Peters, Richard	Spoke about State Attorney General, recycling and other various topics.
Savage, James	Spoke in support of former Mayor Daniels and also about the recall group.

## **M. COUNCIL REFERRALS:**

**Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda**

**M-1 No Council Referrals**

## **N. COUNCIL COMMENTS:**

**N-1 No Council Comments Advanced**

Mayor Slater requested that City Council hold a meeting with the Troy School Board in light of the recent events in Newtown, CT. Council Member Fleming recommended preparing an agenda and topics for discussion before scheduling the meeting.

Council Member McGinnis requested Cindy Stewart give a brief overview of the new City of Troy website. Cindy Stewart presented the new website.



Council Member Campbell requested information on the cost of outside legal counsel incurred with the lawsuits with the Secretary of State. City Attorney Lori Bluhm reported that no outside money was spent on attorneys. Assisting counsel donated their legal services to represent the Election Commission members.

Mayor Slater requested that Chief Mayer give a brief explanation of security measures in place taking into account the recent tragic events in Newtown, CT. Chief Mayer provided a brief explanation of security measures implemented.

Mayor Slater spoke about an email received regarding a water bill. The City Manager will work with City staff to perhaps implement a policy.

## **O. REPORTS:**

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### **O-1 Minutes – Boards and Committees:**

- a) Animal Control Appeal Board-Final-September 26, 2012
  - b) Building Code Board of Appeals-Final-November 7, 2012
  - c) Planning Commission Special/Study-Final-November 27, 2012
- Noted and Filed

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### **O-2 Department Reports:**

- a) Troy Public Library 2013-2015 Strategic Plan/Presentation
- Noted and Filed

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### **O-3 Letters of Appreciation: None Submitted**

Noted and Filed

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### **O-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted**

Noted and Filed

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### **O-5 Robert Davis v City of Troy et al**

Noted and Filed

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### **O-6 Michigan Association of Home Builders et al v City of Troy**

Noted and Filed

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### **O-7 Special Elections Lawsuits**

Noted and Filed

## **P. STUDY ITEMS:**

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### **P-1 No Study Items**

The Meeting **RECESSED** at 10:21 PM.

The Meeting **RECONVENED** at 10:26 PM.

**Q. CLOSED SESSION:**

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**Q-1** Closed Session

**R. ADJOURNMENT:**

The Meeting **ADJOURNED** at 10:48 PM.

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Mayor Dane Slater

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M. Aileen Bittner, CMC  
City Clerk